

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANITA D. PARATLEY,

No. C-05-4312 MMC

Plaintiff,
v.

**ORDER DENYING PLAINTIFF'S MOTION
TO FILE PARTIAL SUMMARY
JUDGMENT MOTION UNDER SEAL;
DIRECTIONS TO PLAINTIFF**

CONSECO HEALTH INSURANCE
COMPANY,

Defendant

Before the Court is plaintiff Anita D. Paratley's ("Paratley") Motion to File Partial Summary Judgment Motion Under Seal, filed October 13, 2006. Defendant, the party who designated as confidential some of the exhibits offered in support of plaintiff's motion for partial judgment, has submitted a declaration in support of plaintiff's motion. Having reviewed defendant's declaration,¹ the Court rules as follows.

A party seeking to file under seal a document offered in connection with a dispositive motion must "articulate compelling reasons supported by specific [facts]" in order to overcome the presumption that court records should be publicly filed. See Kamakana v. City and County of Honolulu, 447 F. 3d 1172, 1178 (9th Cir. 2006); see also id. at 1179 (holding publication of documents that "may lead to a litigant's embarrassment,

¹In her motion, plaintiff indicates she does not support sealing of any portion of her motion. In light of defendant's having designated certain exhibits as confidential, however, plaintiff filed the instant motion to seal.

1 incrimination, or exposure to future litigation will not, without more, compel the court to seal
2 its records”).

3 Defendant argues that Exhibits 11, 15, 16, and 17, offered by plaintiff in support of
4 her motion for partial summary judgment, should be filed under seal, on the asserted
5 ground that each such exhibit “relates to” material defendant considers to be “sensitive and
6 trade secret.” (See Duncan Decl. ¶ 5.) Defendant, however, has not offered the requisite
7 specific facts necessary to support a finding that the exhibits relate to trade secrets, see
8 Kamakana, 447 F. 3d at 1178; instead, defendant has offered only a conclusory statement
9 to that effect.²

10 Accordingly, the motion for an order to file plaintiff’s motion for partial summary
11 judgment, or portions thereof, under seal is hereby DENIED.

12 Plaintiff is hereby DIRECTED to electronically file her motion no later than three
13 court days from the date of this order. See Civil L.R. 79-5(e) (providing submitting party
14 must, within three days of order denying request to file document under seal, publicly file
15 such document in order to have it considered).

16 **IT IS SO ORDERED.**

17
18 Dated: November 3, 2006


MAXINE M. CHESNEY
United States District Judge

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23 _____
24 ²The subject exhibits generally identify medical services defendant will not cover
25 under certain provisions of its policies. How such information would be “secret” is unclear;
26 when a claim for coverage pertaining to such services is denied, defendant’s denial of such
27 a claim would inform the claimant of defendant’s interpretation of its policy. Further,
28 defendant cites no authority, and the Court has located none, providing that an insurer’s
interpretation of a policy term is a trade secret. Finally, defendant has not sought to seal
those portions of plaintiff’s memorandum of points and authorities that discuss, paraphrase,
and/or quote the content of Exhibits 11, 15, 16, and 17. Thus, even if the Court were to
seal the subject exhibits, such sealing would essentially be an idle act because the content
would be publicly disclosed in any event.